

# Cases in the Constitutional Court of Latvia on Language Use in Higher Education: Lessons for Linguists and Decision-makers

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**Abstract.** This paper focuses on the cases related to language use in higher education in the Constitutional Court of the Republic of Latvia, specifically about the amendments of the *Law on Higher Education Institutions*. The ongoing legal dispute pertains to the compliance of the contested norms with several articles of the Constitution of Latvia (*Satversme*) and the legal norms of the European Union. From a sociolinguistic perspective, the paper analyzes the arguments of the applicants, legislators, and experts involved in the case. The paper draws conclusions about the applicability of the legal process and outcomes for developing a comprehensive theory on how languages can coexist in higher education and research. Additionally, the paper discusses some general considerations about language use in academia and beyond.

**Keywords:** language policy, language laws, official language, higher education, language attitudes

## Bylos Latvijas Konstitūcinīame Teīsmē dēl kalbos vartojīmo aukštōjo mokslo īstaiġose: pamokos kalbinīnkams ir sprendīmus priimantiems asmenīms

**Santrauka.** Šīame straīpsnyje pagrīndinis dėmesys skīriamas Latvījos Respublikos Konstitūcinīo Teīsmo byloms, susījusīoms su kalbų vartojīmu aukštōsīose mokyklose, konkrečiai – *Aukštōjo mokslo īstatymo* pataīsoms. Vyksta teīsinis ġinčas dēl ġinčījamų normų atītikties keletui Latvījos Konstitūcijas (latv. *Satversme*) straīpsnīų ir Europos Sājungos teīsės normoms. Sociolingvistīniu požiūriū straīpsnyje analīzuojami pareīškėjų, īstatymų leidėjų ir ī bylą ītrauktų ekspertų argumentai. Publikacīoje pateīkīamos īšvados apie teīsinio procesos pritaīkomumą ir rezultatus kurīant īssamīą teorīją, kaip kalbos ġali egzīstuoti ġreta aukštājame moksle ir mokslīniuose tyrimuose. Be to, straīpsnyje aptariami kai kurie bendrieji svarstymai apie kalbos vartojīmą akademinėje bendruomenėje ir už jos ribų.

**Raktažodžiai:** kalbos politika, kalbos īstatymai, valstybinė kalba, aukštasis mokslas, kalbinės nuostatos

## 1. Introduction

In recent decades, the fields of applied linguistics and sociolinguistics have seen extensive discussion about the use of languages in higher education and research. Voluminous collections of articles have been published on this topic, such as Humar, Žagar Karer (eds.) 2010; Hultgren et al. 2014; Stickel, Robustelli (eds.) 2015, Pieters, Keersmaekers (eds.) 2020; Wilkinson, Gabriëls (eds.) 2021. The majority of these contributions explore the role of English versus national (official) languages in non-Anglophone countries, as many universities have increasingly adopted English as their primary or parallel language for instruction and research. At the beginning of the 21st century, discussions on this topic largely focused on the positive aspects of “Englishization” as part of internationalization or on the negative outcomes for students’ academic performance, development of national (official) languages, and language maintenance.

However, in recent years, there has been a trend in most universities to opt for a parallel use of the respective official language and English in tertiary education. The recognition of national languages in higher education can be seen as a result of globalization, which refers to the adaptation of global influences to local cultures. Initially, the understanding of internationalization was limited to the switch to English as the primary language of instruction and research. However, as the negative consequences of this approach became apparent, many universities have shifted towards a parallel use of the official language and English: “Recently, reterritorialisation can be observed, and national/local languages seem increasingly relevant” (Conceição, Caruso 2022: 216). Some countries rely on specific university instructions and practices, while others have nationwide university language policy guidelines and special articles in the laws of higher education and research.

Latvia is a country with sound legal regulations concerning the use of languages in public spaces, including all levels of education, and government-approved guidelines for implementing basic principles of language policy.<sup>1</sup> While this situation is not exceptional, it is quite unique to legitimize studies in Latvian or other languages of the European Union only and to have several cases in the Constitutional Court regarding language use in higher education.

Therefore, the aim of this paper is to present the language-related cases in the Constitutional Court of the Republic of Latvia, analyze the arguments of the appli-

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<sup>1</sup> *Official Language Law* (1999). Available: <https://likumi.lv/ta/en/en/id/14740> (accessed 10-04-2023); *Valsts valodas politikas pamatnostādnes 2021.-2027. gadam* (Official Language Policy Guidelines 2021–2027). *Latvijas Vēstnesis*, Nr. 166, 30.08.2021, <https://www.vestnesis.lv/op/2021/166.1> (accessed 10-04-2023).

cants, legislators and experts from a sociolinguistic point of view, and draw some conclusions about the applicability of the legal process and outcomes for development of a comprehensive theory of how languages can coexist in higher education and research and general considerations about language use in academia, and beyond.

## **2. Court cases involving language issues**

Although there have been several cases in Supreme or Constitutional courts concerning the use of languages in education (e.g. in Canada, Spain, India, Malaysia, the Philippines, and Latvia), contesting issues of languages in higher education is not a common practice. In the past decade, there have been only a few cases concerning language policy at universities, such as in the South African Constitutional Court in 2018 and 2020 (Laubscher 2022) and the Philippines Supreme Court in 2018 (Buan 2018). These examples illustrate the complex and contested nature of language policies and practices in higher education and the crucial role that constitutional courts can play in shaping these policies. The decisions of these courts reflect a range of factors, including historical and cultural contexts, political priorities, and considerations of equity and access.

The Republic of Latvia is one of those countries where viewpoints on language are lasting and intense in political debates and public discussions. The objective language situation is undeniably at the root of this issue. In addition to the historic and political origins of present language use and attitudes, there are several reasons for legitimate concern about the maintenance of the Latvian language. First, the ethno-demographic composition of Latvia is such that Latvians compose only 60.2 percent of the total population (Population 2022). Second, Latvia is experiencing the sharpest population decline in the EU due to low birth rates and emigration. Third, the linguistic self-sufficiency of Russian speakers still hampers the integration of society (see Kļava, Vītola (eds.) 2022). Using the highest legal authority, such as the Constitutional Court, appears to be the appropriate method to resolve disputes in accordance with the principles of a democratic state and the rule of law.

## **3. Constitutional Court on language use in higher education institutions**

On 21 June, 2021, the Parliament of Latvia (Saeima) adopted amendments to the *Law on Institutions of Higher Education*. In amendments to the Section 2 the words “institutions of higher education established by the state” were replaced by the words “institutions of higher education and colleges”. The text of the Article 56 (3) is as follows:

The study programmes of institutions of higher education and colleges shall be implemented in the official language. The use of foreign languages in the implementation of study programmes shall be possible only in the following cases: 1) study programmes which are acquired by foreign students in Latvia, and study programmes, which are implemented within the scope of co-operation provided for in European Union programmes and international agreements may be implemented in the official languages of the European Union. For foreign students the acquisition of the official language shall be included in the study course compulsory amount if studies in Latvia are expected to be longer than six months or exceed 20 credit points; 2) not more than one-fifth of the credit point amount of a study programme may be implemented in the official languages of the European Union, taking into account that in this part final and State examinations may not be included, as well as the writing of qualification, bachelor and master's thesis; 3) study programmes, which are implemented in foreign languages are necessary for the achievement of the aims of the study programme in conformity with the educational classification of the Republic of Latvia for such educational programme groups: language and cultural studies and language programmes. The licensing commission shall decide the conformity of the study programme to the educational programme group; and 4) joint study programmes may be implemented in the official languages of the European Union.

Therefore all the norms including language regulations will be applied to all higher education institutions irrespective of the procedures for the founding and financing.<sup>2</sup> This means that private universities are permitted to have education programmes in English, but not in Russian, because the latter is not an official language of the European Union.

On 18 July 2021 upon the application of twenty members of the 13th Saeima of the party "Saskaņa," the case 2019-12-01<sup>3</sup> was initiated in the Constitutional Court of the Republic of Latvia. The applicants contested Section 56 (3) of the law "On

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<sup>2</sup> At the academic year 2021/2022 there were 53 higher educational institutions including colleges: 32 state-founded, 19 – founded by legal or private persons, 2 branches of foreign higher education institutions. 77.02 per cent of students studied at the State-founded higher education institutions. *Pārskats par Latvijas augstāko izglītību 2021. gadā. Galvenie statistikas dati. Report on Higher Education in Latvia, 2021. Main statistical data*. Rīga: Izglītības un zinātnes ministrija, 2022: 3.

<sup>3</sup> On Compliance of the Third Sentence of Section 5 (1), Section 56 (3) and Para 49 of the Transitional Provisions of the Law "On Institutions of Higher Education" with Article 1, Article 105 and Article 112 of the Satversme of the Republic of Latvia. Available: [https://www.satv.tiesa.gov.lv/en/cases/?case-filter-years=\[2019\]&case-filter-status=&case-filter-types=&case-filter-result=&searchtext=&page=2](https://www.satv.tiesa.gov.lv/en/cases/?case-filter-years=[2019]&case-filter-status=&case-filter-types=&case-filter-result=&searchtext=&page=2) (accessed 10-02-2023).

Institutions of Higher Education”, paragraph 49 of the Transitional Provisions<sup>4</sup> as well as the third sentence of Section 5, paragraph 1<sup>5</sup> regarding also private higher education institutions. The applicants considered that the contested norms restrict the freedom of private education institutions, thus violating the right to education, included in Article 112 of the Constitution of the Republic of Latvia, *Satversme*<sup>6</sup>, as well as the right to property, included in Article 105 of the *Satversme*<sup>7</sup>, examining these in interconnection with the principle of legitimate expectations that falls within the scope of Article 1 of the *Satversme*<sup>8</sup>.

On 11 June 2019 the Constitutional Court delivered the judgement that norms that provide that the language of instruction in study programmes of private institutions of higher education is the official language are incompatible with Article 112 and Article 113 of the *Satversme*; in the remaining part, examination of the case on its merits will be resumed. Therefore it decided to divide the case into two parts, and to create a new case (2020-33-01) in order to hear the case in substance and to request a preliminary ruling to the Court of Justice of the European Union.

On 7 September 2022 the Grand Chamber of the Court of Justice published their judgment.<sup>9</sup> The conclusion was, that it is legitimate to adopt a law for higher education institutions “to provide teaching solely in the official language of that

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<sup>4</sup> “Amendments to Section 56 (3) of this Law with respect to the language in which study programmes are implemented shall enter into force on 1 January 2019. Institutions of higher education and colleges, where the language in which study programmes are implemented shall enter into force on 1 January 2019. Institutions of higher education and colleges, where the language in which study programmes are implemented does not comply with the provisions set out in section 56 (3) of this Law, shall have the right to continue implementing study programmes in the respective language until 31 December 2022. After 1 January 2019, enrolment of students in study programmes, the language of implementation of which is incompatible with provisions set out in Section 56 (3) of this Law, shall not be permitted.”

<sup>5</sup> “In their activities, they shall cultivate and develop science, arts, and the official language.”

<sup>6</sup> “Everyone has the right to education. The State shall ensure that everyone may acquire primary and secondary education without charge. Primary education shall be compulsory.”

<sup>7</sup> “Everyone has the right to own property. Property shall not be used contrary to the interests of the public. Property rights may be restricted only in accordance with law. Expropriation of property for public purposes shall be allowed only in exceptional cases on the basis of a specific law and in return for fair compensation.”

<sup>8</sup> “Latvia is an independent democratic republic.”

<sup>9</sup> Available: <https://curia.europa.eu/juris/document/document.jsf?jsessionid=AC852F-09B4772EEDC9D4CA13A2AC683B?text=&docid=265001&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=6509618> (accessed 20-03-2023).

Member State, in so far as such legislation is justified on grounds related to the protection of its national identity, that is to say, that it is necessary and proportionate to the protection of the legitimate aim pursued.” The Court stated that Member States may introduce, in principle, an obligation to use their official language, provided that such an obligation is accompanied by exceptions that ensure that a language other than the official language may be used in the context of university education. Such exceptions should, in order not to exceed what is necessary for that purpose, allow the use of a language other than Latvian, at least as regards education provided in the context of European or international cooperation, and education relating to culture and languages other than Latvian.

On 16 February 2023 the Constitutional Court of Latvia decided that restrictions on private institutions of higher education to implement study programmes in the official languages of the European Union are unconstitutional, while restrictions on other foreign languages are constitutional.<sup>10</sup> The Constitutional Court acknowledged that restriction of fundamental rights is suitable for achieving legitimate goals, as the contested norms improve official language skills, as well as strengthens the role of Latvian in academia. It should be added that the provisions at issue in the main proceedings are not applicable to two higher education institutions, namely the Stockholm School of Economics in Riga and the Riga Graduate School of Law, which are governed by special laws.<sup>11</sup>

The case 2021-45-01, concerning Article 56(3) of the Law on Higher Education Establishments, underwent repeated hearings and was concluded in May 2023. On 28th June 2023, the Constitutional Court issued a judgment focusing on the constitutionality of Section 56, Paragraphs three, four, and five of the Law on Institutions of Education. It recognized the contested norms, as they apply to universities and their teachings, as inconsistent with Articles 112 and 113 of the Constitution of the Republic of Latvia. The court declared these norms void from 1st July 2024. The Constitutional Court assessed whether the restriction on autonomy for both State and private universities, and the academic freedom of teaching

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<sup>10</sup> Available: <https://www.satv.tiesa.gov.lv/en/press-release/restrictions-on-private-institutions-of-higher-education-to-implement-study-programmes-in-the-official-languages-of-the-european-union-are-unconstitutional-while-restrictions-on-other-foreign-languag/> (accessed 12-03-2023).

<sup>11</sup> Law on the Stockholm School of Economics in Riga. (*Latvijas Vēstnesis*, 1995, No 164. Available: <https://likumi.lv/ta/en/en/id/37448> (accessed 10-02-2023); Law on the Riga Graduate School of Law. *Latvijas Vēstnesis*, 2018, No 220. Available: <https://likumi.lv/ta/en/en/id/302800> (accessed 12-03-2023).

staff, was imposed through a legitimate legislative process that adheres to the principle of good law.<sup>12</sup>

During the proceedings, it was noted that most study programmes are conducted in the official language to meet labour market demands. However, the Court emphasized that legal provisions concerning the national language must ensure sufficient guarantees for the constitutional status of the official language. Such an approach is vital for safeguarding the official language's sustainable protection and should not be influenced by trends in the labour market. The Court concluded that the contested rules undermine the quality of higher education and the official language. Consequently, it allows only those study programmes that have received a rating of "good" or "excellent" to be implemented in foreign languages, while programs with a lower assessment can only be offered in the official language. This may jeopardize the availability of quality higher education in the official language and hinder the academic and scientific development of the official language.

The Constitutional Court also noted that there was no assurance from the legislator about whether exceptions to the general regulations regarding the use of the official language and foreign languages would be permitted at different levels of study or in specific sectors of science.

The judgment recognized that the restriction of fundamental rights contained in the contested norms was not based on a law passed in due course. The Court emphasized that the legislator's role, in accordance with the principle of good legislation, extends beyond assessing the lessons expressed in the Constitutional Court judgment. It also involves identifying the perspectives of stakeholders and respecting the rights of minorities as far as possible.

It is important to mention that although the applicants argued that the contested resolution affects the right of Latvian universities to engage in commercial activities, the judgment did not specifically address the compliance of the rules with Section 105 of the Constitution (Lielbriede 2023).

Regarding the validity of the contested resolution, the Constitutional Court stressed that these legal norms are linked to Latvia's constitutional identity—the official language. To provide ample time for developing a new framework, promoting university autonomy, ensuring academic freedom for teaching staff, and protecting the official language in higher education, a reasonable period was granted until

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<sup>12</sup> Spriedums Latvijas Republikas vārdā 2023. gada 28. jūnijā lietā Nr. 2021-45-01. Available: [https://www.satv.tiesa.gov.lv/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2021/12/2021-45-01\\_Spriedums.pdf#search=](https://www.satv.tiesa.gov.lv/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2021/12/2021-45-01_Spriedums.pdf#search=) (accessed 24-07-2023).

1st July 2024. The Council of Ministers instructed the Ministry of Education and Science to submit the relevant draft legislation to the Cabinet by 1st November 2023, so the final norms have not yet been approved.

#### 4. Should universities cultivate and develop the State language?

The Constitutional Court thus confirmed that the third sentence of Section 5, Paragraph 1 has been recognized as compatible with the *Satversme*:

Constitutional Court finds that, by the obligation to cultivate and develop the official language [...] the legislator has specified the positive obligation of the State to create such regulation on higher education that ensures that institutions of higher education act in the society's interests. Moreover, it should be taken into account that the contested norms grant broad discretion to institutions of higher education in performing this task (2020: 49).<sup>13</sup>

From legal point of view the outcome of the court proceedings could be considered an important step towards strengthening the positions of Latvian. Nevertheless, this case revealed a lot of overt and covert processes around the implementation of the status of the sole official State language for Latvian. Therefore, this simple sentence is worth of more detailed analysis.

*Law on Higher Education* (in force since 1 December 1995) originally stipulated that higher education institutions “In their activities [...] shall cultivate and develop science and art” (Section 5, Paragraph 1).<sup>14</sup> In 21 June 2018, after prolonged discussions at the *Saeima* (Parliament of the Republic of Latvia) this sentence has been reworded as follows: “In their activities, they shall cultivate and develop science, arts, and the official language.”<sup>15</sup>

On 17 July 2017, member of the Latvian Parliament had submitted proposals for the second reading of draft law No.923/Lp12 and, inter alia, had recommended amending Section 5 of the law “On Institutions of Higher Education,” establishing the obligation for the institutions of higher education to cultivate and develop the

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<sup>13</sup> Judgement on Behalf of the Republic of Latvia in Riga on 11 June 2020 in Case No.2019-12-01. Available: [https://www.satv.tiesa.gov.lv/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2019/07/2019-12-01\\_Judgement.pdf#search](https://www.satv.tiesa.gov.lv/web/viewer.html?file=https://www.satv.tiesa.gov.lv/wp-content/uploads/2019/07/2019-12-01_Judgement.pdf#search) (accessed 10-03-2023).

<sup>14</sup> *Latvijas Vēstnesis*, 17.11.1995., Nr. 179. Available: <https://www.vestnesis.lv/ta/id/37967> (accessed 12-03-2023).

<sup>15</sup> Available: <https://likumi.lv/ta/en/en/id/37967-law-on-higher-education-institutions> (accessed 12-03-2023).

official language. However, the other proposal by the same member of Parliament envisaged the possibility for institutions of higher education to determine independently the language of instruction, and delete the third part from Section 56 of the law.<sup>16</sup> The Education, Science and Culture Committee of the Saeima examined these proposals at the sitting of 21 February 2018. The proposal to amend Section 5 of the law “On Institutions of Higher Education” was supported but other proposals were dismissed.

Initially, it may appear that the responsibility assigned to universities to promote and enhance the official language is a crucial measure in reinforcing the positions of language. Although the wording of this norm is general, it possess a symbolic significance. It is referred to as the “symbolic function of the official language.” Symbolic concepts are commonly employed in sociolinguistic research as well as legal and programmatic documents. Lawmakers and researchers frequently leave these concepts undefined, given the difficulty of accurately defining a notion that is well understood at the level of everyday consciousness. As a result, there is considerable scope for a wide interpretation of the meaning, creating legal ambiguity that undermines the role of these concepts in language policy implementation. Despite this, symbolic concepts remain a potent tool in shaping language attitudes and practices, even in the current era of pragmatic language policies. The integrative role of the Latvian language cannot be fully equated with its symbolic function. However, it cannot be refuted that an important symbolic component underlies the conceptual basis of Latvian language policy, linking the use of the national language to national identity and value systems. As stated by F. Coulmas, “languages have non-pecuniary values associated with culture, tradition, ancestry and group membership, etc. This kind of symbolic value is hard to quantify but when it comes to deciding on language policies, it has to be taken into account and weighed against the pecuniary market value of language skills” (Coulmas 2020: 25).

## 5. Discussion

From sociolinguistic point of view we may ask: is it enough to emphasize the symbolic role of the national language by providing a task for universities to promote the Latvian language while at the same time omitting even the most general regulations on language use? Does it mean emphasizing the symbolic role of the

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<sup>16</sup> Grozījumi Augstskolu likumā (Nr.923/Lp12). Likumprojekts otrajam lasījumam. Available: <https://titania.saeima.lv/LIVS12/SaeimaLIVS12.nsf/0/C1DE620ADBEAE4B9C22582740-0449741?OpenDocument> (accessed 07-04-2023).

official language but not its use in teaching and research activities? Are the norms included in the Law on Higher Education Institutions crucial for the vitality of the official language, and how to evaluate the public opinion on the issue? In turn, from the legal point of view of the Constitutional Court, it is necessary to base their judgments on legal and political arguments following the legislation and court practices in Latvia and European Union. The Court evaluates contested norms by taking into account several criteria, e.g. whether they are necessary for the achievement of legitimate aims and, consequently, whether they are proportionate and ensure harmony with European Union law. Although the tasks of sociolinguists and legal experts differ, in both cases several factors have been taken into account: language situation in a country, goals of language policy, and historically established language attitudes among decision-makers as well as the general public.

During the last decades, language attitudes have been intensively studied in many countries, including Latvia and Lithuania (see Druviete (ed.) 2021; Ramonienė 2022). Language attitudes refer to the opinions and beliefs that individuals hold towards different languages, which are shaped by social, cultural, historical, and political factors. Language attitudes play an important role also in higher education, as they can influence the use and status of different languages within academic settings. However, in some cases, there may be tensions between the official language and other languages. This can lead to debates and discussions around language policies and the role of different languages in higher education involving attitudinal dimensions. As Meilutė Ramonienė points out,

language attitudes are closely linked to changes in society and language use, as well as to language policy. It is therefore very important to study them consistently, not only for academic reasons but also to understand trends in linguistic behaviour, to predict changes in the linguistic life of a society, and to influence the formation of attitudes. Research on language attitudes can contribute to the success and efficiency of the language policy (Ramonienė 2022: 283).

Language attitudes can have implications for language instruction and learning in higher education. Students' attitudes towards the languages they are studying can impact their motivation, engagement, and willingness to use the language outside of the classroom. In the study of Latvian language attitudes, the related term "language ideologies" is also used to describe the considerations beyond language use, without any bias:

The individual language attitude of a speaker as a representative of a certain social group is a personal expression of socially conditioned ideology. Ideology is often

perceived as a self-evident, generally accepted system of beliefs, viewing attitude more as an individual, subjective expression of the same. In this study, language ideology was understood as a systemic set of political, legal and ethical views to ensure the resilience and stability of a particular language in a given linguistic situation, based on the belief that the development of the Latvian language is one of the causes and tasks of the Latvian state (Druviete 2021: 229).

Kerttu Rozenvalde and Joseph Soler, who are studying language use in higher education in Latvia and Estonia (Rozenvalde 2018; Soler, Vihman 2018), clearly point out the conflicting positions in the discourse surrounding language use:

Whereas the culturalists see language use and policies at universities as affecting language use and ideologies also beyond universities, the internationalists tend to argue that the policies aiming at more qualitative and competitive higher education have nothing to do with maintaining the official languages because this objective can be reached by other means. Consequently, at a more fundamental level, the debates both in Estonia and Latvia revolve around the question of whether language use and policies at universities affect language use and ideologies also in other spheres of life, and whether universities should primarily act to serve the state (Soler, Rozenvalde 2021: 71).

In the discussed case in the Constitutional Court we can witness arguments from representatives of both ideologies. The “internationalists” argue that the legal framework that restricts the use of foreign languages in the study process may affect the protection of minority rights. They demand alternative means of achieving legitimate goals, for example, allowing such an exception that study programmes in the form of distance learning can be implemented in foreign languages (namely Russian), and point out that the new amendments have affected the commercial activities of private universities, thus not achieving a fair balance between the right to conduct commercial activities and the need to strengthen the use of the national language in higher education.

The “culturalists” argue that private universities, like state universities, are an integral part of the common higher education space and issue state-recognized diplomas. Therefore, it is impermissible to exempt them from the nationally important task of strengthening the official language. In Latvia, the official language still bears the consequences of the Soviet occupation’s forced Russification. The Latvian language’s status in several sociolinguistic functions does not correspond to its official status. Adequate knowledge of the official language is necessary for individuals to participate fully in social life. The state language ensures the state’s functioning

and individual inclusion in society (cf. Constitutional Court's judgment of April 23, 2019, in case No. 2018-12-01, paragraph 24.2). The ability of persons belonging to minorities to communicate freely on any issue in the official language is indispensable in preserving the democratic state system. This ability is equally important for both minority individuals and society as a whole because it allows for free communication among all members of society and with the state (see the judgment of the Constitutional Court of November 13, 2019 in case No. 2018-22-01, paragraph 22.2)<sup>17</sup>. In 2005, concerning the case about language use in general education, the Constitutional Court indicated that in the historical context of Latvia, the issues of the official language should not be viewed in isolation from the policy implemented by the Soviet occupation regime and the complex ethno-demographic situation that arose as a result (cf. the judgment of the Constitutional Court of May 13, 2005 in case No. 2004-18-0106, paragraph 1 of the conclusions). In the cases initiated against Latvia, the European Court of Human Rights also takes into account the historical context, including the time of occupation, stating that the rights contained in the *European Convention for the Protection of Human Rights and Fundamental Freedoms* cannot be interpreted and applied in a vacuum.<sup>18</sup>

If we acknowledge that the ultimate aim of language policy in a country is to maintain its language, and that scholars in applied linguistics and sociolinguistics have a responsibility to offer recommendations to policy-makers, we must recognize the crucial role of this field in promoting the full functionality of a language. If a language performs poorly in a specific sociolinguistic domain, such as higher education and science, it can directly impact other domains and diminish the language's overall quality, including terminology processes, academic writing, and scientific popular literature. Additionally, changes in language teaching and learning ideologies and practices throughout the education system may result from linguistic transformations in one phase, given the system's hierarchical subordination. Thus, it is crucial to recognize the negative effects of subtractive bilingualism in higher education and take necessary measures to safeguard the official language's full potential in all education and research phases.

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<sup>17</sup> See: <https://www.satv.tiesa.gov.lv/en/press-release/another-case-initiated-with-respect-to-provisions-governing-the-implementation-of-study-programmes-at-higher-education-institutions-and-colleges-in-the-official-language/> (accessed 05-04-2023).

<sup>18</sup> Judgment in the name of the Republic of Latvia in case No. 2004-18-010. Available: [https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2004/08/2004-18-0106\\_Spriedums\\_ENG.pdf#search=](https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2004/08/2004-18-0106_Spriedums_ENG.pdf#search=) (accessed 01-04-2023).

## 6. Conclusions

The gap between higher education and science policy and language policy for the sustainability and development of the official (state) language is evident in almost all countries where English is not the dominant language. Latvia is no exception, and sharp discussions about language use in universities are expected in the future, too. Currently, there is too little desire to learn from the experiences and mistakes of other countries, as well as to view the language of universities not only in the context of educational competitiveness but also in the context of the language situation. However, we have sufficient theoretical knowledge, internationally binding documents, and specific examples from other countries to at least prove that a simplified and hasty approach to languages in universities for short-term goals should not create problems on a much broader and deeper scale.

The use of languages and the role of English in various academic fields at the university level have sparked debates in non-Anglophone regions worldwide, and political measures have been proposed to address this issue. Language use in academia is interconnected with the language situation and policy of the country. Domain loss in academia affects the quality of the language in other areas and the education system as a whole. Despite differing viewpoints, there is a growing trend towards parallelingualism, allowing for the use of both the national language and English in tertiary education and research, promoting national identity and international knowledge exchange.

When establishing legal regulations for language use in higher education and research, we observe a close interconnection between sociolinguistic and legal aspects. Cases related to language use in higher education at the Constitutional Court of the Republic of Latvia expose numerous issues that are relevant not only for politicians and scholars in Latvia but also for other countries. The ongoing legal dispute regarding the compliance of the contested norms of the *Law on Higher Education Institutions* with various articles of the Constitution of Latvia (*Satversme*) and the legal norms of the European Union provides valuable insights for all of us.

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